

ZONING BOARD OF APPEALS
October 25, 2016
PUBLIC HEARING

Charles Marino called the meeting to order at 6:15 P.M. with the following in attendance:

Charles Marino, Chair	Sue Goggin, ZEO
Arlene Schwartz-Regan, Vice-Chair	Lori Rotella, Assistant ZEO
Basiliza MacCalmon, Secretary – 6:16 P.M.	Public - 0
Edward Rachuba	
Kimberly Kenneson	
David Cronin, Alternate	

1. Charles Marino took attendance and noted there was a quorum. Charles made David Cronin a regular voting member in place of Basiliza MacCalmon. Basiliza MacCalmon entered the meeting at 6:16 P.M. David Cronin was put back to an Alternate.
2. Approval of previous minutes and secretary will sign the minute book.

VOTED: Unanimously on a motion by Ed Rachuba and seconded by David Cronin to approve the May 31, 2016 meeting minutes.

VOTED: Unanimously on a motion by Ed Rachuba and seconded by David Cronin to approve the August 30, 2016 meeting minutes.

3. **6:00 P.M. PUBLIC HEARING APPEAL #1990** – Applicant will seek a variance of section 24.1, Schedule B, #1 and Section 24.1, Schedule B, #5.3 of the Naugatuck Zoning Regulations for a side yard setback and for lot area, 972 New Haven Road, Applicant: 972 New Haven Rd, LLC.

Charles Marino read the legal notice into the record which was published in the October 14, 2016 and October 21, 2016 editions of the Citizen's News. Charles verified the applicant paid his fees and had his certified mail receipts. Basiliza MacCalmon read Appeal #1990 and the certified mailing affidavit into the record. She also read Al DaSilva's hardship letter that was submitted with his application into the record. Al DaSilva with Al DaSilva Realty explained that he owns the property located at 972 New Haven Road. Al went into detail on how he would like to convert the garage into an office and complete the loft area with heat and plumbing for living space. There was a discussion if the applicant would be moving his real estate office into the garage. Al said yes he would be moving his office. Susan Goggin explained that the applicant would need to go through the special permit process with the zoning commission for what he intends to do with the garage. There was also a discussion regarding parking. Susan explained that the property is located within the New Haven Road Design District and that through the special permit process the zoning commission will determine the number of required parking spaces needed. Susan also explained to the commission that the building does not meet the setback requirements. When the garage was built, it was

in a PDD-1 zone with a 10 foot side setback. After the zone was changed to the New Haven Road Design District the side setback changed to 15 feet. Al DaSilva explained that his original building permit he obtained for the building was for a garage with a loft. He also explained that you cannot receive a building permit without first obtaining a zoning permit. Currently there is no zoning permit on file in the Land Use office. He also noted that the garage and loft was permitted and inspected at the time it was built. He explained that he had 2 electrical meters installed along with sewer, gas and water lines. He also expanded the parking at that time. There was a discussion that the building was within the regulations when it was built and then the zone change made the building a non-conforming building. Susan also explained that the New Haven Road Design District was formed to allow for mixed use development in that area. Al also explained that when he originally built the garage, his intention was to have a hair salon on the first floor and an apartment in the loft. That was the reason he had two electrical meters and sewer, gas and water lines installed. Once his step-daughter graduated from cosmetology school, the area would have been for her. Susan noted that the zoning permit from 2004 was for a 24' X 36' 3 car garage. Al also mentioned that the main house on the property is staying as it currently is. There was a lengthy discussion on exactly what the commission would be voting on tonight. The application was for a variance for the side yard setback of 4.4 feet and a variance for lot area of 622 square feet. Al stated his hardship was the zone change. The commission had a lengthy discussion on what exactly they would be voting on. It was stated that a hardship could not be for monetary reasons. Kimberly Kenneson requested that the public hearing be tabled for 30 days so she can obtain more information. Susan Goggin also stated that none of the abutters who were sent notices were against the variance.

VOTED: 3-1-1 on a motion by Edward Rachuba and seconded by Arlene Schwartz-Regan to grant Appeal #1990.

FOR

Basiliza MacCalmon
Edward Rachuba
Arlene Schwartz-Regan

AGAINST

Charles Marino

ABSTAIN

Kimberly Kenneson

Edward Rachuba made a motion and seconded by Arlene Schwartz-Regan to rescind his motion to grant Appeal #1990.

Charles Marino continued the public hearing until November 29, 2016.

4. There were no additional items added to the agenda.
5. **VOTED:** Unanimously on a motion by Arlene Schwartz-Regan and seconded by Edward Rachuba to **ADJOURN** the meeting at 7:18 P.M.

RESPECTFULLY SUBMITTED:

Basiliza MacCalmon, Secretary/Ir